

May 8, 2019

Page 63.1

Mayor Hodgson called the meeting to order and read the following statement: in compliance with the Open Public Meetings Act of the State of New Jersey, adequate notice of this meeting, of the Borough Council, has been provided to three newspapers and published in the January 10, 2019 issue of the Beach Haven Times. This meeting took place at the Surf City Borough Hall in the Council Chambers at 7:30 pm on Wednesday, May 8, 2019.

Roll call reflected the following present: Councilman Hadash, Councilman Hartney, Councilman Wm. Hodgson, Councilman Russell, Councilwoman Siciliano and Mayor F. Hodgson. Absent: Councilman Klose.

After a salute to the Flag, Councilman Russell moved to approve the April 10, 2019 regular council meeting minutes. Councilman Hartney seconded the motion. With a vote in the affirmative, the minutes were approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Russell moved to open the public hearing for Ordinance 2019-09, pertaining to personnel policies. Councilman Hadash seconded the motion. With a vote in the affirmative, the public hearing was opened. There were no comments. Councilman Russell moved to close the public hearing for Ordinance 2019-09. Councilman Hartney seconded the motion. With a vote in the affirmative, the public hearing was closed.

Councilman Russell moved to approve the final adoption of Ordinance 2019-09, pertaining to personnel policies. Councilman Wm. Hodgson seconded the motion. With a vote in the affirmative, the following ordinance was approved.

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER III PERTAINS TO "PERSONNEL POLICIES"

The Mayor and Borough Council of the Borough of Surf City do ordain:

#### SECTION I

Section 3-5.14 entitled *health benefits*, be and is hereby amended to read as follows:

Full time, permanent employees may be entitled to health insurance coverage at the discretion of the Governing Body. The Borough shall bear the entire cost and continue to

May 8, 2019

Page 64.2

provide health coverage to the dependents of employees who pass away while continuing to serve in office provided those employees had a minimum of ten years of employment with the municipality. The same provision shall apply for any employee who dies in the line of duty with no minimum years of service.

## SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

## SECTION III

If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

## SECTION IV

This ordinance shall take effect immediately upon adoption of the ordinance.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilwoman Siciliano moved to approve Resolution 2019-72, to waive the Borough's right to self-examination of the budget. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-72 was approved, as follows.

WHEREAS, on April 10, 2019, the Governing Body of the Borough of Surf City passed resolution 2019-40 waiving its right to self-examination of the 2019 Municipal Budget; and

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Surf City hereby rescinds resolution 2019-40 effective immediately.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Russell moved to approve to read the budget by title only. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the resolution was approved, as follows.

May 8, 2019

Page 65.3

WHEREAS, N.J.S.40A:4-8 provides that the budget be read by title only, at the time of the public hearing, if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing, a complete copy of the approved budget as advertised has been posted in the Borough Hall, a copy has been posted on the official website and copies have been made available by the Clerk to persons requiring them;

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Russell moved to approve to open public comment for the 2019 budget hearing. Councilman Hadash seconded the motion. With a vote in the affirmative, public comment was. None of the public present came forward to speak. Councilwoman Siciliano moved to close public comment. Councilman Russell seconded the motion. With a vote in the affirmative, public comment was closed.

Councilman Wm. Hodgson moved to approve the adoption of the 2019 Municipal Budget. Councilman Hartney seconded the motion. With a vote in the affirmative, the budget was adopted, as follows.

BE IT RESOLVED by the Borough Council of the Borough of Surf City, County of Ocean that the budget, hereinbefore set forth, is hereby adopted and shall constitute an appropriation for the purposes stated, herein set forth, as appropriations and authorization of the amount of \$4,600,000.00 to be raised by taxation for Municipal purposes.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Russell moved to approve Resolution 2019-69, approving the Place to Place transfer of a Plenary Retail Consumption License No. 1531-32-001-007. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, Resolution 2019-69 was approved, as follows.

May 8, 2019

Page 66.4

WHEREAS, an application has been filed for a place to place transfer of plenary retail consumption license with broad package privilege license No. 1531-32- 001-007 heretofore issued to Surf City Liquor LP, to extend the licensed premises; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly reviewed for the current license term; and

WHEREAS, the application for a place to place transfer to extend the licensed premises has been submitted in accordance with requirements of the Division of Alcoholic Beverage Control; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby approve the place to place, transfer of the aforesaid plenary retail consumption license with a broad package privilege to extend the licensed premises as submitted by LBI Beverage, LLC.
2. The license is subject to all the terms and conditions that have been approved upon the operation of this license by the governing body which shall remain in full force and effect.
3. That a certified copy of this resolution shall be forwarded to the Division of Alcoholic Beverage Control and to the applicant.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Russell moved to approve Resolution 2019-70, a request by Cross River Fiber to place telecommunications facilities on existing poles. Councilman Hartney seconded the motion. With a vote in the affirmative, Resolution 2019-70 was approved, as follows.

WHEREAS, Cross River Fiber LLC ("Cross River Fiber", seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Surf City for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

May 8, 2019

Page 67.5

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Surf City for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right-of-way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Way for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Surf City, that the Borough of Surf City is hereby authorized, at this time, to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilwoman Siciliano moved to approve Resolution 2019-71, a change order #1 as submitted by Shore Connection, Inc. for sewer improvements on 5<sup>th</sup> Street. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-71 was approved, as follows.

WHEREAS, a contract was previously awarded to Shore Connection Inc. for the Sanitary Sewer Reconstruction/improvement Project - 5<sup>th</sup> Street; and

WHEREAS the original contract for said work was in an amount of \$209,615.50; and

May 8, 2019

Page 68.6

WHEREAS the governing body wishes to authorize Change Order No 1, which will result in an increase of \$5,000.00 in the contract price, consisting of those items set forth on Schedule "A," attached hereto and made a part hereof; and

WHEREAS this change order amounts to a total of less than twenty (20%) percent of the original contract awarded to the contractor; and

WHEREAS it is the desire of the governing body to authorize this change order.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Surf City, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby authorize the execution of an addendum to the contract with Shore Connection Inc. for the Sanitary Sewer Reconstruction/improvement Project - 5<sup>th</sup> Street to provide for an increase in the contract price from \$209,615.50 to \$214,615.50 an increase of \$5,000.00 in the contract price, consisting of those items set forth in Schedule "A," attached hereto and made a part hereof.
2. That the Mayor and Municipal Clerk are hereby authorized to execute an addendum to the contract within accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with a copy of the contract addendum between the parties, be forwarded to the Chief Financial Officer and that three (3) certified copies be forwarded to the Municipal Engineer.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Wm. Hodgson moved to approve Resolution 2019-73, approving the employment contract with Surf City members PBA Local 175. Councilman Russell seconded the motion. With a vote in the affirmative, Resolution 2019-73 was approved, as follows.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Surf City that the employment contract with the Surf City members of the P.B.A. Local #175 as attached hereto and effective from January 1, 2019 through December 31, 2023, be and is hereby approved and the Mayor and Municipal Clerk are authorized to affix their signatures thereto.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

May 8, 2019

Page 69.7

Mayor F. Hodgson gave both, the Chief Financial Officer's and the Municipal Courts, reports.

Councilman Hadash delivered the sanitation report for the month of April. He also moved to approve Resolution 2019-68, as follows.

NOW, THEREFORE, BE IT RESOLVED that the following individuals are hereby appointed as seasonal/on call laborers in the Public Works Department at the rate of \$12.50 per hour without benefits. Said appointment is on an as needed basis, and shall terminate on December 31, 2019:

Dennis McCarthy - effective as of April 12, 2019

Terry Brennan - effective as of April 17, 2019

Ryan Boyd - effective as of April 22, 2019

Councilman Hartney seconded that motion. With a vote in the affirmative, Resolution 2019-68 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Hadash also moved to approve Resolution 2019-75, as follows.

NOW, THEREFORE, BE IT RESOLVED that the following listed individuals are appointed as seasonal/on call employees in the Police Department effective as of May 8, 2019 at the corresponding hourly rate of pay. Said appointment is on an as needed basis and shall terminate on December 31, 2019.

Cereta Rose Dallago - 4<sup>th</sup> year at \$11.75 per hour.

Keyan Cody Cusick - 3<sup>rd</sup> year at \$11.50 per hour.

Russell John Paretzky - 3<sup>rd</sup> year at \$11.50 per hour.

Damian J. Marrone - 3<sup>rd</sup> year at \$11.50 per hour.

Troy Albert Luongo - 2<sup>nd</sup> year at \$11.25 per hour.

John B. Hudson - 1<sup>st</sup> year at \$11.00 per hour.

Mark D. Errico - 1<sup>st</sup> year at \$11.00 per hour.

Councilman Hartney seconded that motion. With a vote in the affirmative, Resolution 2019-75 was approved.

May 8, 2019

Page 70.8

Roll call vote reflected the following in favor: Hadash, Hartney, Russell, and Siciliano. Nays: none. Abstain: Wm. Hodgson. Absent: Klose.

Councilman Russell informed everyone that the lifeguard boat trailer had been repaired by the lifeguard captain. The lifeguard captain has also ordered all the necessary equipment and uniforms for the season, so they will be ready and set up for summer. He also reported that the parks are looking beautiful. Councilman Russell also wanted to remind everyone that he would be hosting the annual Memorial Day Service at Veteran's Park on May 25, 2019 at 11:00 am. Refreshments will be served.

Councilman Wm. Hodgson reviewed the statistical report for the Police Department. The Department has passed their most recent NJ Department of Correction inspection. Recently, the Borough participated in Operation Take Back and it was a success. Councilman Wm. Hodgson had a few reminders for everyone: April 30<sup>th</sup> is the last day dogs may visit the beach until fall, on May 13<sup>th</sup> the speed limits will be reduced, on May 20<sup>th</sup> the traffic lights will be on and May 24<sup>th</sup> would be the last day for beach buggies.

Councilwoman Siciliano commented that DPW is currently very busy patching the roads. So far, they have used 4 tons of hot patch and 3 tons of cold patch. Also, she was happy to report that the 100 Block of S. 1<sup>st</sup> Street and the 200 Block of N. 3<sup>rd</sup> street is being milled and repaved this week. Also, the sewer work has been completed on N. 5<sup>th</sup> Street. Councilwoman Siciliano moved to approved Resolution 2019-74, as follows.

WHEREAS, the Local Public Contract Law permits the award of emergency contracts pursuant to N.J.S.A. 40A:11-6, subject to certain criteria; and

WHEREAS, a manhole located near N. 6<sup>th</sup> Street had collapsed and needed immediate emergency repairs; and

WHEREAS, the Chief Financial Officer has certified the funds to available; and

NOW, THEREFORE, BE IT RESOLVED, an emergency contract was awarded to Shore Connection, Inc in the approximate amount of \$19, 300.

Councilman Hartney seconded that motion. With a vote in the affirmative, Resolution 2019-74 was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Russell, and Siciliano. Nays: none. Abstain: Wm. Hodgson. Absent: Klose.



May 8, 2019

Page 71.9

Councilman Hartney reported on the number of beach badge sales.

Mayor F. Hodgson called for any comments from the audience.

Michael Mayo had inquired about the sign ordinance enforcement in the RA Zone. He commented on the different signs around the island.

Duane Wallington, from Vacation Rentals LBI, wanted to know about the enforcement of “for rent” signs. He claimed they were necessary to have on display, on the property, because people drive around to find rentals. He stated that Surf City would be hurting tourism if the sign ordinance was enforced.

Councilman Wm. Hodgson pointed out that internet sites have gained traction in recent years, providing potential customers with online photos and details.

Mayor Hodgson suggested that the property owners place the “for rent” signs in their windows.

Roger Pearly thanked the Mayor and Council for the great budget work they do. He had said he had made a nice sign and asked for the Governing Body to reconsider.

Denise Payne claimed there was a thirty five percent vacancy rate at this time for island rentals. She had asked for a stay on the enforcement of the ordinance.

Mike Feldmus asked if posting rental signs can be a permitted process.

Mary Wendler said that the Borough should enforce holiday signs also, if rental signs were going to be enforced. She asserted that she had lost business due to the letter she received this week, informing her to remove her rental sign from the plot.

Gary Grubaker stated that he noticed that people do drive around and look for homes for rent.

John Blankmeyer has asked for the Governing Body to reconsider enforcing the ordinance.

Paul Tighe said that he had rented his home for a month because someone walked by and saw his rental sign.

A correspondence from the Surf City Taxpayers Association was received requesting permission to hold their summer events and post the appropriate signs. Councilman Russell moved to approve the request. Councilwoman Siciliano seconded the motion. With a vote in the affirmative, the request was approved.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

May 8, 2019

Page 72.1

A correspondence from the Surf City Business Cooperative requesting permission to hold their “Surf the Sidewalk” events. Councilman Hartney moved to table the matter. Councilman Russell seconded the motion. With a vote in the affirmative, the matter was tabled for discussion by the Police Committee.

A request from Ross Reynolds was received requesting permission to again allow the Surf City Lifeguards to volunteer at the Stafford Triathlon/Duathlon to be held on June 9<sup>th</sup>. It was determined that no permissions were required.

A request from Sarah Roe was received requesting permission to conduct a 5K Foot pursuit race on Sunday, September 29, 2019. It was determined that no permissions were required.

Chuck Edwards commented that he did not like all of the signs, but understood the point being made.

Susanne Gilbert wanted check on the status of lids for the trash cans.

Rick Barry sought reassurance that the Borough staffing would not be unaffected the lifeguards participating in the Stafford Triathlon.

With no further comments from the audience, Councilman Russell moved to approve the payments of bills. Councilwoman Siciliano seconded that motion. With a vote in the affirmative the following was approved for payment.

BE IT RESOLVED BY COUNCIL OF THE BOROUGH OF SURF CITY, N.J. that the appurtenances known as "Scheduled Payment Reports" containing vouchers to be paid in the total amounts of:

Water & Sewer	\$420,465.14
Current	\$2,306,289.26
Payroll Account	\$199,654.70
Dog License Account	\$6.00
Ice Cream Vendor Account	\$0.00
Escrow Release	\$0.00
Tax Certificate Account	\$0.00

are hereby ordered paid and the Mayor and Clerk are authorized to draw an order upon the Borough Treasurer for same.

May 8, 2019

Page 73.2

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Councilman Hartney moved to adjourn the meeting. Councilman Russell seconded the motion. With a vote in the affirmative, the meeting was adjourned.

Roll call vote reflected the following in favor: Hadash, Hartney, Wm. Hodgson, Russell, and Siciliano. Nays: none. Abstain: none. Absent: Klose.

Respectfully submitted,

A handwritten signature in blue ink that reads "Christine Hannemann". The signature is written in a cursive, flowing style.

Christine Hannemann, RMC/CMR/QPA

Deputy Clerk